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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,239	10/15/2001	Victor V. Mashayekhi	016295.0682	4100

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EXAMINER

MCCARTHY, CHRISTOPHER S

ART UNIT	PAPER NUMBER
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2113

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DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,239

Applicant(s)

MASHAYEKHI ET AL.

Examiner

Christopher S. McCarthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-20 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Yu U.S. Patent 5,764,903.

As per claim 1, Yu teaches a method for updating the content of a set of data accessible by a server of a cluster system, comprising the steps of providing first and second servers (column 2, lines 5-15); providing a network controller associated with each server, each network controller including a local power source and a local memory (column 3, lines 41-46, 62-64; column 4, lines 17-25); storing in the local memory of each network controller a copy of a set of data (column 1, lines 5-7; column 2, lines 30-35); and performing a write operation to the memory of each network controller such that the content of the set of data of each network controller is the same (column 4, lines 50-65).

As per claim 2, Yu teaches the method for updating the content of a set of data accessible by a server of a cluster system of claim 1, wherein the first and second servers are geographically separate from one another (column 3, lines 21-22; column 1, lines 27-29).

As per claim 3, Yu teaches the method for updating the content of a set of data accessible by a server of a cluster system of claim 1, wherein the set of data includes the metadata of the cluster system (column 3, lines 27-30; column 4, lines 17-30).

As per claim 4, Yu teaches the method for updating the content of a set of data accessible by a server of a cluster system of claim 1, wherein the step of performing a write operation includes the step of transmitting an acknowledge signal to the other server following the completion of a successful write operation by a server (column 6, lines 42-50).

As per claim 5, Yu teaches the method for updating the content of a set of data accessible by a server of a cluster system of claim 4, wherein the write operation is atomic such that the results of the write operation are discarded in the event that an acknowledge signal is not received by each server (column 6, lines 42-50).

As per claim 6, Yu teaches the method for updating the content of a set of data accessible by a server of a cluster system of claim 1, wherein each network controller includes a local operating system for controlling communication between the network controllers (column 2, lines 13-15; column 4, line 66 – column 5, line 1).

As per claim 9, Yu teaches a cluster system, comprising: a first server including a network controller; a second server including a network controller (column 2, lines 5-15; column 3, lines 41-46; column 4, lines 17-25); wherein the network controllers of the first and second servers each include a copy of a set of data describing the status of the cluster system (column 1, lines 507; column 2, lines 30-35); and wherein the network controllers are powered by a local power source such that the set of data is not lost upon an operational loss of the associated server (column 3, lines 41-46, 62-64; column 4, lines 17-25; figure 1).

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As per claim 10, Yu teaches the cluster of claim 9, wherein the first server and the second server are geographically separate from one another (column 3, lines 21-22; column 1, lines 27-29).

As per claim 11, Yu teaches the cluster of claim 9, wherein each network controller includes a local operating system for controlling communication between the network controllers (column 2, lines 13-15; column 4, line 66 – column 5, line 1).

As per claim 12, Yu teaches the cluster of claim 9, wherein the set of data is the metadata of the cluster system (column 3, lines 27-30; column 4, lines 17-30).

As per claim 13, Yu teaches the cluster of claim 9, wherein the first server and the second server are geographically separate from one another (column 3, lines 21-22; column 1, lines 27-29); wherein each network controller includes a local operating system for controlling communication between the network controllers (column 2, lines 13-15; column 4, line 66 – column 5, line 1); and wherein the set of data is the metadata of the cluster system (column 3, lines 27-30; column 4, lines 17-30).

Allowable Subject Matter

3. Claims 14-20 are allowed.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance: When read as a whole, claim 14 is allowable with respect to the following limitation: wherein the network interface controllers are operable to communicate with one another to update the set of data despite the operation failure of at least one of the associated servers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See attached PTO-892.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (703)305-7599. The examiner can normally be reached on M-F, 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703)305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csn
June 20, 2004


ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100